

AMENDED IN SENATE APRIL 8, 2010
AMENDED IN SENATE SEPTEMBER 2, 2009
AMENDED IN SENATE AUGUST 17, 2009
AMENDED IN ASSEMBLY JUNE 1, 2009
AMENDED IN ASSEMBLY APRIL 22, 2009
AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 482

Introduced by Assembly Member Mendoza
(~~Coauthor: Assembly Member Torlakson~~)
(~~Coauthor: Senator Romero~~)

February 24, 2009

~~An act to add Sections 60200.8 and 60200.9 to the Education Code, relating to instructional materials. An act to add Chapter 3.6 (commencing with Section 1024.5) to Part 3 of Division 2 of the Labor Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 482, as amended, Mendoza. ~~Instructional materials: English learners.~~ *Employment: credit reports.*

The federal Fair Credit Reporting Act (FCRA) and the state Consumer Credit Reporting Agencies Act define and regulate consumer credit reports and authorize the use of consumer credit reports for employment purposes, pursuant to specified requirements. The FCRA provides that it does not preempt state law, except as specifically provided or to the extent that state laws are inconsistent with its provisions.

Existing federal and state law specify the procedures that an employer is required to follow before requesting a report and if adverse action is taken based on the report. Under existing law, an employer may request a credit report for employment purposes so long as he or she provides written notice of the request to the person for whom the report is sought. Existing law requires that the written notice inform the person for whom the consumer credit report was sought of the source of the report and contain space for the person to request a copy of the report. Existing law further requires an employer, whenever he or she bases an adverse employment decision on information contained in a consumer credit report, to advise the person for whom the report was sought that an adverse action was taken based upon information contained in the report and provide the person with the name and address of the consumer credit agency making the report.

This bill would prohibit an employer, with the exception of certain financial institutions, from obtaining a consumer credit report for employment purposes unless the information is (1) substantially job-related, meaning that the position of the person for whom the report is sought has access to money, other assets, or confidential information, and (2) the position of the person for whom the report is sought is a position in the state Department of Justice, a managerial position, that of a sworn peace officer or other law enforcement position, or a position for which the information contained in the report is required to be disclosed by law or to be obtained by the employer.

~~Existing law requires the State Board of Education to adopt regulations concerning the development of curriculum frameworks and the adoption of instructional materials.~~

~~This bill would state the intent of the Legislature to provide school districts with quality instructional materials written and taught in the English language to accelerate English language acquisition for English learners while upholding and teaching California's English language arts content standards. The bill would require the state board by December 31, 2013, to revise the reading/language arts framework. The revision would be required to meet specified requirements and be aligned to both the English/language arts content standards and the English language development standards adopted by the state board. The bill would require the evaluation criteria and standards maps for the revised framework to be modified, as specified.~~

~~The bill would require, commencing with the 2010 followup adoption of instructional materials for reading/language arts/English language~~

development, and for each primary and followup adoption of instructional materials for reading/language arts/English language development thereafter, that the state board ensure and document that the individuals on the panels for the instructional materials review and content review meet the specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.6 (commencing with Section 1024.5)
2 is added to Part 3 of Division 2 of the Labor Code, to read:

3
4 CHAPTER 3.6. EMPLOYER USE OF CONSUMER CREDIT REPORTS

5
6 1024.5. (a) An employer shall not use a consumer credit report
7 for employment purposes unless the following criteria are satisfied:

8 (1) The information contained in the report is substantially
9 job-related, meaning that the position of the person for whom the
10 report is sought has access to money, other assets, or confidential
11 information.

12 (2) The position of the person for whom the report is sought is
13 any of the following:

14 (A) A managerial position.

15 (B) A position in the state Department of Justice.

16 (C) That of a sworn peace officer or other law enforcement
17 position.

18 (D) A position for which the information contained in the report
19 is required to be disclosed by law or to be obtained by the
20 employer.

21 (b) This section does not apply to a person or business subject
22 to Sections 6801 to 6809, inclusive, of Title 15 of the United States
23 Code and state and federal statutes or regulations implementing
24 those sections if the person or business is subject to compliance
25 oversight by a state or federal regulatory agency with respect to
26 those laws.

27 ~~SECTION 1. The Legislature hereby finds and declares the~~
28 ~~following:~~

29 ~~(a) It is the intent of the Legislature that school districts be~~
30 ~~provided with as many standards aligned instructional material~~

1 options as possible so that educators may choose from a selection
2 of the best instructional materials in order for their pupils to master
3 the state academic content standards.

4 ~~(b) It also is the intent of the Legislature that the state's 1.6~~
5 ~~million English learners acquire English as quickly as possible~~
6 ~~and to assist in the narrowing of the academic achievement gap~~
7 ~~between English learners and their native English speaking peers.~~
8 ~~To accomplish this, it is the intent of the Legislature to provide~~
9 ~~school districts with quality instructional materials written and~~
10 ~~taught in the English language to accelerate English language~~
11 ~~acquisition for English learners while upholding and teaching the~~
12 ~~state English language arts content standards.~~

13 ~~SEC. 2. Section 60200.8 is added to the Education Code, to~~
14 ~~read:~~

15 ~~60200.8. (a) (1) By December 31, 2013, the state board shall~~
16 ~~revise the reading/language arts framework to address the needs~~
17 ~~of English learners. The revision shall meet all of the following~~
18 ~~requirements:~~

19 ~~(A) The revision shall integrate the English/language arts content~~
20 ~~standards and English language development standards in a manner~~
21 ~~that provides a curriculum and instructional materials for English~~
22 ~~learners that are enriched, scaffolded, and amplified, and~~
23 ~~simultaneously develop listening, speaking, reading, and writing~~
24 ~~skills in the English language and the academic content standards.~~

25 ~~(B) The curriculum and instructional materials for English~~
26 ~~learners shall be aligned to both the English/language arts content~~
27 ~~standards adopted under Section 60605 and the English language~~
28 ~~development standards adopted under Section 60811.~~

29 ~~(2) Criteria for evaluating the curriculum and instructional~~
30 ~~materials for English learners shall be included in the revised~~
31 ~~reading/language arts framework.~~

32 ~~(b) By July 1, 2014, the evaluation criteria and standards maps~~
33 ~~developed for the revised reading/language arts framework shall~~
34 ~~do all of the following:~~

35 ~~(1) Include the English language development standards adopted~~
36 ~~by the state board pursuant to Section 60811.~~

37 ~~(2) Include the English language arts content standards adopted~~
38 ~~by the state board pursuant to Section 60605.~~

39 ~~(3) Provide clear direction to publishers regarding the curriculum~~
40 ~~and instructional materials for English learners.~~

1 ~~(e) Instructional materials adopted by the state board that are~~
2 ~~based on the framework revised pursuant to this section shall be~~
3 ~~placed on the list of basic reading/language arts instructional~~
4 ~~materials and remain on the list until the established expiration~~
5 ~~date for that list.~~

6 SEC. 3. ~~Section 60200.9 is added to the Education Code, to~~
7 ~~read:~~

8 ~~60200.9. (a) Commencing with the 2010 followup adoption~~
9 ~~of instructional materials for reading/language arts/English~~
10 ~~language development, and for each primary and followup adoption~~
11 ~~of instructional materials for reading/language arts/English~~
12 ~~language development thereafter, the state board shall ensure and~~
13 ~~document that the panels for the instructional materials review and~~
14 ~~content review meet the following requirements:~~

15 ~~(1) Fifty percent of a panel that reviews and evaluates~~
16 ~~instructional materials that provide English language development~~
17 ~~instruction and are aligned to the English language arts/English~~
18 ~~language development matrix shall be individuals who meet the~~
19 ~~following criteria:~~

20 ~~(A) Possess expertise and have experience teaching English~~
21 ~~language development to pupils.~~

22 ~~(B) Have been trained on validating the alignment of the English~~
23 ~~language development standards and English language arts~~
24 ~~standards with instructional materials submitted for adoption by~~
25 ~~the state board.~~

26 ~~(C) Have been trained on research-based attributes of~~
27 ~~high-quality English language development instruction.~~

28 ~~(2) Seventy-five percent of a panel that reviews and evaluates~~
29 ~~reading intervention materials written specifically for English~~
30 ~~learners shall be individuals who meet the following criteria:~~

31 ~~(A) Possess expertise and have experience working with English~~
32 ~~learners in grades 4 to 8, inclusive.~~

33 ~~(B) Have been trained on research-based attributes of reading~~
34 ~~intervention instruction for English learners.~~

35 ~~(b) This section does not require the state board to convene any~~
36 ~~additional panels or increase the number of persons serving on a~~
37 ~~panel.~~